## REMARKS

The present Response After Final Rejection Pursuant to 37 CFR 1.116 is submitted in response to the Final Official Action of May 30, 2007 and the Application respectfully requests entry of the present Response before reconsideration of the present Application, and a notice of allowance or an Advisory Action if the Examiner deems such to be necessary.

Claims 43 - 57 are presently pending in the Application and claims 47 and 48 are objected to for informalities therein while claims 47, 52 and 57 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Claims 47, 48, 52 and 57 are accordingly amended, by the above claim amendments, to address and overcome the objections and the rejections of the claims under 35 U.S.C. § 112 and all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention. The entered claim amendments do not add any new matter to and do not alter or extend the subject matter of the invention, the disclosure or the claims and are directed solely at overcoming the raised objections and rejections under 35 U.S.C. § 112 and are not directed at distinguishing the present invention from the art of record in this case. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all objections and rejections of the claims under 35 U.S.C. § 112.

Next, claims 44, 46, 49, 50 and 56 are indicated as being allowed while claims 47 and 48 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In response, it is noted that claims 47 and 48 both depend from claim 46, which was indicated as allowed, and thus those two claims are amended to incorporate all of the limitations and elements of allowed claim 46. It is, therefore, the Applicant's belief that claims 47 and 48 are both now in condition for allowance.

Claims 43, 54 and 56 are then rejected, under 35 U.S.C. § 102(e), over Evans `850, claims 45, 51, 53, 56 and 57 are rejected, under 35 U.S.C. § 102(b), over Ranson et al. `351, while claim 52 is rejected, under 35 U.S.C. § 103(a), over Ranson et al. `351 in view of Schubert et al. `499. The Applicant acknowledges and respectfully traverses the raised rejections in view of the following remarks.

It is noted that all of the claim rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 are based upon one or both of Evans `850 and Ranson et al. `351 and, as a consequence, the following discussions will focus on the distinctions between the present invention, as recited in the rejected claims, and the teachings and disclosures of Evans `850 and Ranson et al. `351.

In this regard, therefore, it must be noted that Evans `850 and Ranson et al. `351 are fundamentally similar in their essential aspects in that both Evans `850 and Ranson et al. `351 interpose an electric motor in the drive train comprising the engine, the transmission and the differential. In Evans `850, the electric motor is located between the engine and transmission and, in Ranson et al. `351, the electric motor is located between the transmission and the differential. In both systems, the electrical power to the motor is controlled according to variations in the torque from the engine or the engine and transmission--whether due to transitory conditions or vibrations or oscillations in the engine torque--to compensate for variations in the torque from the engine/transmission. For example, the power from the electric motor to the drive train is increased when the engine/transmission torque decreases and the power from the electric motor to the drive train is decreased, or the motor acts as a brake, when there is an increase in the engine/transmission torque. As such, the systems taught by Evans `850 and Ranson et al. `351 thereby both require the use of an additional electrical power source in the vehicle drive train, that is the electric motor, and systems control the power to the electric motor.

In fundamental contrast from the teachings of Evans `850 and Ranson et al. `351, and as recited in rejected claims 43, 45, 49-55 and 57, the system of the present invention does not use any form of additional power source and, in particular, does not use an electrical motor and electrical power source to achieve the desired result. The system according to the presently claimed invention is instead purely mechanical in operation, employing the already present mechanical components of the drive train in a unique manner to achieve the desired result, e.g., a braking effect, and employs mechanical, frictional torque transmission components of the transmission and power train.

In order to more clearly and explicitly point out and recite these fundamental distinctions of the present invention over Evans `850 and Ranson et al. `351 and Schubert et al. `499, it will

be noted that claims 43, 45, 49-55 and 57 now recite that "the control and regulating device braking at least one mechanical frictional torque transfer rotating component in the drive train". Such feature is believed to clearly distinguish the presently claimed invention over the applied art.

The Applicant acknowledges that the additional references of Schubert et al. `499 may arguably relate to the feature indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base references of either Evans `850 and/or Ranson et al. `351 with the additional art of Schubert et al. `499 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention.

It is therefore apparent that the present invention, as recited in claims 43, 45, 49-55 and 57, is fully and patentably distinguished over and from the teachings and suggestions of Evans `850 and/or Ranson et al. `351, under 35 U.S.C. § 102, and the combination of Evans `850 and/or Ranson et al. `351, alone or in combination with Schubert et al. `499, under 35 U.S.C. § 103 by employing fundamentally different components in a fundamentally different manner than do any of Evans `850 and Ranson et al. `351 and Schubert et al. `499. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejections of claims 43, 45, 49-55 and 57, under either or both of 35 U.S.C. § 102 and 35 U.S.C. § 103, over Evans `850 and/or Ranson et al. `351 and Schubert et al. `499, taken individually or in any permissible combination, and allow of claims 43, 45, 49-55 and 57 as amended herein above.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Evans `850, Ranson et al. `351, Schubert et al. `499 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case

law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

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